

Appl. No. : 10/688,106  
Filed : October 17, 2003

### REMARKS

The Examiner has rejected Claims 1-4 under the doctrine of obviousness type double patenting. Claims 1, 2, and 3 are rejected over Claims 5, 12, and 19 of U.S. Patent 6,062,482 in view of Torimitsu. Claim 4 stands rejected over Claim 6 of U.S. Patent No. 6,176,436 in view of Torimitsu.

The applicant respectfully submits that there is no motivation to combine Torimitsu with the claims of these prior and commonly owned patents. Torimitsu is directed to food storage facilities where a malfunction can cause the spoiling of a large quantity of food. Because such malfunctions can occur at night, staff at the food storage facility at all times had been provided. Remote monitoring is provided by Torimitsu to replace local monitoring staff.

Such is not the case with an HVAC system. A malfunction is not such a dramatic event, especially at those times when the facility is empty. The reasons for remote monitoring provided by Torimitsu thus have no applicability to the present invention. In the present invention, energy savings is the paramount concern, and remote monitoring can be used to fine tune HVAC operation with system analysis programs that can be shared among many facilities.

It is respectfully requested that the rejection be reconsidered and withdrawn.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: 

Thomas R. Arno  
Registration No. 40,490  
Attorney of Record  
Customer No. 20,995  
(619) 235-8550